

REMARKS

Claims 1-43 are pending in the application. The Examiner has restricted the application into three groups of inventions:

Group I: Claims 1-35 and 38-41, drawn to a method for processing poultry.

Group II: Claims 36 and 37, drawn to a method for evaluating the tenderness of a meat part of a slaughtered animal.

Group III: Claims 42 and 43, drawn to a device for evaluating the tenderness of a meat part of a slaughtered animal.

In order to be completely responsive to the Examiner's requirement and to facilitate examination of this application, Applicants elect the invention of Group I, drawn to a method for processing poultry, which reads on claims 1-35 and 38-41. Applicants make this election with traverse, and without prejudice to the presentation of the claims of Groups II or III in later applications. Applicants respectfully submit that Groups II and III should be found to be one group. Groups II and III are related as apparatus and process and such a finding was made by the International Searching Authority during international stage prosecution.

The Examiner has also indicated that if Group I is elected, an election of species is required. The species identified by the Examiner are as follows:

Species 1: Claims 1, 2, 16, 17, directed to applying electrical voltage to a poultry carcass with a voltage that lies with the range of 50V to 250V.

Species 2: Claims 1, 2, 18, 19, directed to applying electrical voltage to a poultry carcass with a voltage that has a frequency with the range 10Hz to 1kHz.

Species 3: Claims 1, 2, 20, directed to applying electrical voltage to a poultry carcass with the voltage pulse over a pulse time of about 0.5 seconds and a zero-voltage period with a duration of about 1 second.

Species 4: Claims 1, 3, 4, directed to applying electrical voltage to a poultry carcass in which the carcass is led by the breast over an electrode.

Species 5: Claims 1, 3, 5, 7, directed to applying electrical voltage to a poultry carcass in which the application of force to the carcass is in the direction of the rail.

Species 6: Claims 1, 3, 5, 8, directed to applying electrical voltage to a poultry carcass in which the legs of the carcass are earthed via the product carrier.

Species 7: Claims 1, 3, 6, directed to applying electrical voltage to a poultry carcass in which the carcass has an oblique position substantially at right angles to its direction of motion.

Species 8: Claims 1, 9, 10, directed to applying electrical voltage to a poultry carcass in which the carcass is exposed to a pulsating alternating voltage.

Species 9: Claims 1, 9 11-13, directed to applying electrical voltage to a poultry carcass in which the carcass is exposed to a first and second stimulation period between 30 and 180 seconds.

Species 10: Claims 1, 9, 14, 15, directed to applying electrical voltage to a poultry carcass having a first rest period with a length between 15 and 45 seconds.

Species 11: Claims 1, 21, 22, directed to applying electrical voltage to a poultry carcass including the step of exposing the poultry to a second electrical stimulation downstream of the plucking device.

Species 12: Claims 1, 23, 24, directed to applying electrical voltage to a poultry carcass including the step of cooling the carcass after the first stimulation period.

Species 13: Claims 1, 23, 25, 26, directed to applying electrical voltage to a poultry carcass including measuring the progress of the maturing process during transport.

Species 14: Claims 1, 23, 25, 27, directed to applying electrical voltage to a poultry carcass including the measurement of the behavior pattern of the pH-value.

Species 15: Claims 1, 29, 30, directed to applying electrical voltage to a poultry carcass including the breast meat chosen as the meat portion to be evaluated.

Species 16: Claims 1, 29, 31, directed to applying electrical voltage to a poultry carcass in which the evaluation is carried out prior to expiry of the electrical stimulation.

Species 17: Claims 1, 29, 32, directed to applying electrical voltage to a poultry carcass in which the evaluation is carried out prior to, during or after the deboning.

Species 18: Claims 1, 29, 33, directed to applying electrical voltage to a poultry carcass in which the method is implemented prior to, during or after the cooling.

Species 19: Claims 1, 29, 34, directed to applying electrical voltage to a poultry carcass in which the basis of the evaluation of the meat portion, a measurement value is determined by means of a regression analysis.

Species 20: Claims 1, 29, 35, 38, 39, 41, directed to applying electrical voltage to a poultry carcass in which the tenderness of a meat specimen is determined by measuring the respective diffuse reflection coefficients of the specimen.

Species 21: Claims 1, 29, 35, 38, 40, directed to applying electrical voltage to a poultry carcass including comparing the respective measurement results obtained from conducted evaluations.

In order to be completely responsive to the Examiner's requirement and to facilitate examination of this application, Applicants elect Species 4, directed to applying electrical voltage to a poultry carcass in which the carcass is led by the breast over an electrode, as claimed in claims 1, 3 and 4. Applicants make this election with traverse and without prejudice to the presentation of the claims of Species 1-3 and 5-21 should a generic claim be allowed.


Applicants respectfully submit that MPEP § 803.02 provides the appropriate and required procedure for examination in this situation. The Examiner has stated that claim 1 is generic. MPEP § 803.02 provides for full examination of a generic claim with respect to the elected species as well as to the extent necessary to determine patentability of the generic claim itself. Applicants respectfully submit that a search with respect to claim 1, which recites exposure of the poultry to an electrical stimulation would encompass all of the species identified by the Examiner. Thus, the Action has failed to demonstrate that a different field of search would be required for the 21 species identified by the Examiner and, at least for this reason, has failed to establish sufficient cause for requiring the election. *See* MPEP 808.02. Examination of all species would impose no undue burden on the Examiner, and election/restriction for examination purposes is improper. Applicants respectfully request withdrawal of the election requirement and examination of all of the species on the merits.

CONCLUSION

In light of the amendments and the above remarks, Applicants are of the opinion that the Office Action has been completely responded to and that the application is now in condition for allowance. Such action is respectfully requested.

If the Examiner believes any informalities remain in the application that may be corrected by Examiner's Amendment, or there are any other issues that can be resolved by telephone interview, a telephone call to the undersigned attorney at (404) 815-6409 is respectfully solicited.

Respectfully submitted,



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